

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UMB BANK, N.A., solely in its capacity	:	
as Trustee under the Contingent Value	:	
Rights Agreement by and between	:	
Bristol-Myers Squibb Company and	:	
Equiniti Trust Company, dated as of	:	
November 20, 2019,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 1:21-cv-04897 (JMF)
	:	
BRISTOL-MYERS SQUIBB COMPANY,	:	
	:	
Defendant.	:	
	:	
-----	x	

**NOTICE OF MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure defendant Bristol-Myers Squibb Company (“BMS”), by its undersigned counsel, will and hereby does move, at the United States District Court for the Southern District of New York, Room 1105, 40 Centre Street, New York, New York 10007, at such date and time as the Court directs, for an order dismissing all claims asserted in the complaint filed by plaintiff UMB Bank, N.A. on June 3, 2021 [ECF No. 1], and granting BMS such other and further relief as the Court may deem just and proper. The Court has entered a stipulated scheduling order that governs the deadlines for further submissions in connection with this motion [ECF No. 15].

In support of its motion, BMS relies upon the complaint, its exhibits, the memorandum of law that accompanies this notice, the further filings made with respect to the motion, and such other proceedings in this action as shall bear on the matters addressed in the motion that may be considered by the Court.

Dated: New York, New York  
July 23, 2021

DLA PIPER LLP (US)

By: /s/ John J. Clarke, Jr.  
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Attorneys for Defendant  
Bristol-Myers Squibb Company

CERTIFICATE OF SERVICE

The undersigned certifies that he is a member of the Bar of this Court and counsel for defendant Bristol-Myers Squibb Company in this action, and that on July 23, 2021, he caused the foregoing notice of motion to dismiss the complaint and the accompanying memorandum of law in support of that motion to be filed on the docket of this action using the Court's ECF system which will cause notice of those filings to be served electronically upon all counsel who have appeared in the action

/s/ John J. Clarke, Jr.

John J. Clarke, Jr.